

## REMARKS

Claims 1-8 have been presented previously. Claim 9 is being added. Support for new Claim 9 can be found on page 11 of the original specification. Reconsideration of the application is respectfully requested.

### Claim rejection under 35 U.S.C. §102(b)

Claims 1-8 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Romer et al. "Instrumentation and Optimization of Win32/Intel Executables Using Etch", 08/1997 ("Romer"). Applicant respectfully traverses the rejection. Despite applicant's arguments in the previous response that Romer fails to disclose or suggest every element claimed in claims 1-8, the Office Action maintains the same rejection over Romer. To reiterate, Romer as understood by applicant, discloses a general-purpose tool for modifying executables for both measurement and optimization. As understood by applicant, Romer's tool can be used to instrument an executable that when run would generate a profile; that is, Romer's tool may be used as a mechanism to generate a profile. Romer's tool may be also used to apply an action by modifying an executable, which when run again would generate a different profile.

Romer, however, does not disclose or suggest every element claimed in claims 1-8. For example, Romer does not disclose or suggest at least predicting an impact on a profile of applying one or more actions to an executing application and adjusting the profile to form a normalized profile according to the predicted impact, as claimed in claims 1-8. In the present application, given a profile that has been generated by running an executable, claims 1-8 recite adjusting the profile itself to predict the impact on the profile from applying one or more actions, for instance, without having to run the executable again. On the other hand, Romer's tool could be used to apply one or more actions, but not used for adjusting the previously generated profile.

In sum, while Romer appears to describe optimizing an executable, Romer fails to disclose or suggest predicting an impact on a profile and adjusting that profile according to the predicting, for example, without running the executable again. Accordingly, at least for the foregoing reasons, it is believed that Romer does not anticipate claims 1-8. Claim 9 is being added to additionally recite that the profile is adjusted without running the executing application

again. For the same foregoing reasons, it is believed that Claim 9 also is not anticipated by the cited reference.

This communication is believed to be fully responsive to the Office Action and every effort has been made to place the application in condition for allowance. A favorable Office Action is hereby earnestly solicited. If a telephone interview would be of assistance in advancing prosecution of the subject application, the Examiner is requested to telephone the number provided below.

Respectfully submitted,

  
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